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American peace are boundary disputes and revolutionary activities, and that arbitration, or judicial settlement, is the remedy.

Once unite these countries in a plan of arbitration for international disputes and the associated sovereignties can easily put a moral or commercial pressure on any turbulent member that will compel internal peace.

The Pan-American Scientific Congress continued into January, 1916, with many excellent addresses. On the 6th of January President Wilson, who knew the doubts and fears of some of the American governments as to the real purpose of the Monroe Doctrine, said, and with historic accuracy, that "the Monroe Doctrine demanded merely that European governments should not attempt to extend their political systems to this side of the Atlantic." Although South and Central Americans have often been told this same thing, many of them have remained skeptical. Those who heard Mr. Wilson were evidently pleased to have it repeated by so important an official. The President referred to the necessity for the peaceful, arbitral settlement of boundary disputes, and there he reached the conclusion arrived at five years earlier by the San Antonio Commercial Congress and referred to above, that it would be proper and right to have an association of American States that would guarantee to each other political independence and territorial integrity.

Elihu Root, with calm and irrefutable logic, seeing clearly, as he always does, the trouble, the cause, and the remedy, said:

So long as the spirit of American freedom shall continue, it will range us side by side with you, great and small, for the maintenance of the rights of nations, the rights which exist as against us and against all the rest of the world. We hail the smallest State, be it upon an island in the Caribbean or in Central or South America, as our equal in dignity, in right to respect and in right to treatment as an equal.

The present time is the best to develop this policy and these agreements. The opportunity is Mr. Harding's. Can he not be induced to see it and to glorify his administration by taking the necessary steps to do what the judgment of honest and capable men so generally approves?

The writer, who is somewhat familiar with Spanish-speaking countries, has always believed that half a dozen fair-minded Americans sitting down to a conference with as many like-minded men from Mexico, for example, would not find it very difficult to adjust amicably nearly all differences between that country and ours. One is encouraged to believe that it may be done, for President Harding is reported to be making a special effort to find the best men to represent us in the southern republics. If during his administration he can secure an all-American treaty that will end boundary disputes, stop revolutions, and establish for this hemisphere the principle of arbitration and judicial settlement of international quarrels, he will build for himself a monument that will endure throughout the ages.

## MR. HUGHES INSISTS UPON AMERICAN RIGHTS IN MEXICO

The widespread conjecture for some weeks, since it became known that the American Government had called home Mr. Summerlin, the Chargé d'Affaires at Mexico City, and then had sent him back to his post with an important message to the Mexican Government, was ended by Secretary Hughes issuing a few days ago a statement setting forth the nature of treaty proposals which Mr. Summerlin had been instructed to lay before General Obregon. The provision of the proposed treaty upon which Mr. Hughes laid the heaviest emphasis was protection of American property rights against confiscation under the terms of the Mexican Constitution of 1917. The American Government is immediately concerned, of course, with property rights acquired prior to the promulgation of the treaty.

Said Secretary Hughes in his outline of the American Government's position:

Mexico is free to adopt any policy which she pleases with respect to her public lands, but she is not free to destroy without compensation valid titles which have been obtained by American citizens under Mexican laws. A confiscatory policy strikes not only at the interests of particular individuals, but at the foundation of international intercourse, for it is only on the basis of the security of property validly possessed under the laws existing at the time of its acquisition that commercial transactions between the peoples of two countries and the conduct of activities in helpful co-operation are possible.

The facts which called forth this unusually frank expression on diplomatic affairs seem to be these: The Mexican Constitution of 1917 contains provisions vesting in the government certain public lands, and also provisions that certain lands may be held only by Mexican nationals. Oil lands affected by these provisions are most important now. It has not been clearly determined, legally, whether these provisions were to be retroactive against holdings acquired by foreign interests prior to 1917, but executive decrees have been issued, in fact, confiscating certain lands, and authority to do so has been found by Mexican officials in the new constitution. In these acts some American interests have been injured, it is said.

Mr. Hughes, not satisfied with informal representations understood to have been made, that the constitutional provisions would not be evoked against American interests, continued vigorously in his statement:

This question is vital because of the provisions inserted in the Mexican Constitution promulgated in 1917. If these provisions are to be put into effect, retroactively, the properties of American citizens will be confiscated on a great scale. This would constitute an international wrong of the gravest character and this government could not submit to its accomplishment. If it be said that this wrong is not intended, and that the Constitution of Mexico of 1917 will not be construed to permit, or enforced so as to effect, confiscation, then it is important that this should be made clear by guarantees in proper form. The provisions of the Constitution and the executive decrees which have been formulated with confiscatory purposes make it obviously necessary that the purposes of Mexico should be definitely set forth.

Accordingly this government has proposed a treaty of amity and commerce with Mexico in which Mexico will agree to safeguard the rights of property which attached before the Constitution of 1917 was promulgated. The question, it will be observed, is not one of a particular administration, but of the agreement of the nation in proper form,

which has become necessary as an international matter because of the provisions of its domestic legislation. If Mexico does not contemplate a confiscatory policy, the Government of the United States can conceive of no possible objection to the treaty.

There was no echo of saber-rattling in Secretary Hughes's statement. The impression gathered from his words and from officials at the State Department was that if Mexico refuses to guarantee protection of American rights, recognition of the Mexican Government will be withheld and the somewhat strained relations existing at present will continue. The compulsion to be brought to bear would be moral and possibly economic. It is not believed that, conditions remaining as they are, there would be any serious consideration of attempting to enforce the American Government's views by use of arms.

Mr. Hughes made plain a hands-off policy with respect to Mexico's internal affairs. Demanding what he regards as justice to American interests and security of American lives, he virtually said that was the whole of the American Government's concern in Mexico. The question of protecting American rights, he held, "should not be confused with any matter of personality or of the recognition of any particular administration. Whenever Mexico is ready to give assurances that she will perform her fundamental obligation in the protection both of persons and of property validly acquired, there will be no obstacles to the most advantageous relations between the two peoples."

Recognition of the Mexican Government will come automatically with the completion of the treaty proposed by this government, Secretary Hughes pointed out. The treaty also would provide for settlements of claims for lives and property lost during the several years of disorder in Mexico and for adjustments of other matters.

Mr. Hughes, in his statement, explained:

The proposed treaty also contains the conventional stipulation as to commerce and reciprocal rights in both countries. It also provides for the conclusion of a convention for the settlement of claims for losses of life and property, which, of course, means the prompt establishment of a suitable claims commission in which both countries would be represented in order to effect a just settlement. There is also a provision for a just settlement of boundary matters.

The question of recognition is a subordinate one, but there will be no difficulty as to this, for if General Obregon is ready to negotiate a proper treaty and it is drawn so as to be negotiated with him, the making of the treaty in proper form will accomplish the recognition of the government that makes it. In short, when it appears that there is a government in Mexico willing to bind itself to the discharge of primary international obligations, concurrently with that act its recognition will take place. This government desires immediate and cordial relations of mutual helpfulness, and simply wishes that the basis of international intercourse should be properly maintained.

General Obregon was quoted, shortly after it became known that Mr. Summerlin had been ordered to present the American Government's view, as saying:

We have no objection to making a treaty which would establish important policies affecting the two countries. But a treaty between independent nations must contain reciprocal advantages. Such a treaty Mexico is ready to negotiate. There is, however, no factor in the actual circumstances between the United States and Mexico, and no precedent in international law, to justify a demand that Mexico sign a treaty as the price of formal recognition.

## HOUSE AND SENATE CLASH OVER TERMS OF PEACE RESOLUTION

Whether with the approval, if not the suggestion, of the Administration, as is reported in the case of the proposal to substitute the Porter disarmament resolution for the Borah resolution, or because of an apparently growing independence of the Senate among members of the House, Representative Porter, chairman of the House Foreign Affairs Committee, also has framed and brought out of the committee a substitute for Senator Knox's peace resolution, and the House has passed it overwhelmingly.

It has been intimated that, even though the Administration did not instigate the introduction of and favorable report on the Porter peace resolution, it may be served thereby, should the international situation be one in which delay in passing the peace resolution would be helpful. It is known that while the reparations issue hung in the balance, the Administration was not anxious that the peace resolution go through Congress, fearing that it might prove a disturbing influence in an already difficult situation. But at the very time that became reliably known, it also became known from the same authoritative sources that leaders in the Senate had informed the Administration that they would defer action on the Knox resolution should the international situation require delay, in the view of those charged with conduct of foreign affairs.

A note appears in the report of the House Foreign Affairs Committee on the Porter resolution which suggests that the seemingly growing independence of the Senate among members of the House may have found expression in a move to "protect" the President against any disposition in the Senate to encroach upon the President's constitutional prerogatives in handling foreign negotiations. Whether there is any disposition in the Senate to encroach and whether the President needs "protection" if there is any such disposition are other questions; but in the House committee's reports occurs this language, which may be significant: "The substitute (the Porter peace resolution) fully recognizes that the Constitution vests in the President the exclusive power to make a treaty with our late enemies, subject to ratification by the Senate. It does not fix any terms or conditions of such a treaty, but it leaves the President as free and unhampered in negotiating a treaty after its passage as before."

Of the actual differences between the Knox resolution, which passed the Senate, and the Porter resolution, which has been reported from the House committee as a substitute for the Knox measure, one stressed by the House leaders is that the Porter resolution merely declares the war between the United States and Germany and Austro-Hungary terminated, while the Knox resolution repeals the declaration of war. Mr. Porter and his supporters hold, first, that, as in the case of the disarmament resolutions, the Porter resolution keeps in exact harmony with the President's public statements; and, second, that it may be unwise to have this country put in the position of having repealed its war declaration. They fear the possibility, they say, of improper deductions from a repealer.

Their ideas are set out in the following excerpt from the report of the House Committee on Foreign Affairs:

The President in his message of April 12, 1921, said:

"To establish a state of technical peace without further delay, I should approve a declaratory resolution of Congress